

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>SXR/P502037WO</b>	<b>FOR FURTHER ACTION</b> see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. <b>PCT/GB2004/004362</b>	International filing date (day/month/year) <b>15/10/2004</b>	(Earliest) Priority Date (day/month/year) <b>16/10/2003</b>
Applicant <b>EUPHOTONICS LIMITED</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

**4. With regard to the title,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. With regard to the drawings,**

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB2004/004362

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61N5/06

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	FR 2 591 902 A1 (COLLIN YVON) 26 June 1987 (1987-06-26)  page 4, line 35 - line 38 page 6, line 7 - line 11; figures 1,3 -----	1-5, 9-11, 14-16
X	US 5 616 140 A (PRESCOTT ET AL) 1 April 1997 (1997-04-01)  column 5, line 1 - line 10 column 6, line 11 - line 51 column 7, line 47 - line 56 -----	1,2, 6-11, 14-22
X	GB 2 356 570 A (* OE-LYS LIMITED; ADRIAN CLIFFORD * WARBURTON; DEREK ALFRED WALTER * B) 30 May 2001 (2001-05-30) the whole document ----- -/--	1,9-13

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

\* Special categories of cited documents:

\*A\* document defining the general state of the art which is not considered to be of particular relevance

\*E\* earlier document but published on or after the international filing date

\*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

\*O\* document referring to an oral disclosure, use, exhibition or other means

\*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*G\* document member of the same patent family

Date of the actual completion of the international search

27 January 2005

Date of mailing of the international search report

03/02/2005

Name and mailing address of the ISA

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## INTERNATIONAL SEARCH REPORT

International Application No  
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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 616 447 B1 (RIZOIU IOANA M ET AL) 9 September 2003 (2003-09-09) abstract column 4, line 1 - line 6 column 4, line 18 - line 42 column 5, line 5 - line 18 column 8, line 24 - line 38 -----	1,25,26, 28,29
X	US 6 063 108 A (SALANSKY ET AL) 16 May 2000 (2000-05-16)  column 23, line 1 - column 26, line 50 -----	1,2, 9-12, 14-19,22
X	DE 295 19 433 U (BRADL, INGRID, 94469 DEGGENDORF, DE; LENKE, MICHAEL, 94526 METTEN, DE) 25 January 1996 (1996-01-25) the whole document -----	1-3
X	US 6 074 411 A (LAI ET AL) 13 June 2000 (2000-06-13) abstract -----	1,2,6
X	DE 27 40 969 A1 (CASPER, KARL HEINZ, DR. MED) 22 March 1979 (1979-03-22) page 7 - page 8; figures 1-4 -----	1,2,6
X	DE 101 28 629 A (NOVICUR AG, BALZERS) 19 December 2002 (2002-12-19) abstract -----	1,2,6

## FURTHER INFORMATION CONTINUED FROM PCT/SA/ 210

## Continuation of Box II.1

Claims Nos.: 23, 24, 27, 30, 31

Rule 39.1(iv) PCT - The method claims 23, 24, 27, 30, 31 relate to a method for treatment of the human or animal body by therapy and/or surgery. Acne vulgaris (page 1, line 12) is a disease, the same applies for skin ulcers and skin cancers (page 10, lines 21-24). Hence, a method claim directed to the treatment of such conditions has essentially a therapeutical character. The additional cosmetic effects are seen as an bonus effect. In addition, the partial ablation referred to on page 3, lines 1-6 and the killing of hair cells (page 10, lines 17-21) relates to a method for treatment by surgery. Claims 26, 28, 29 are only searched insofar they relate to the cosmetic treatment of teeth (whitening).

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## Continuation of Box II.2

Claims Nos.: 32

Claim 32 comprises only a global reference to the drawings so that it is not clear which features are to be searched (cf. Rule 6.2a PCT).

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/GB2004/004362

## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 23, 24, 27, 30, 31  
because they relate to subject matter not required to be searched by this Authority, namely:  
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☒ Claims Nos.: 32  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB2004/004362

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
FR 2591902	A1	26-06-1987	NONE	
US 5616140	A	01-04-1997	AU 2104195 A	09-10-1995
			US 6156028 A	05-12-2000
			WO 9525563 A1	28-09-1995
			US 2003114902 A1	19-06-2003
			US 6454791 B1	24-09-2002
			US 5989245 A	23-11-1999
GB 2356570	A	30-05-2001	NONE	
US 6616447	B1	09-09-2003	US 2004106082 A1	03-06-2004
US 6063108	A	16-05-2000	US 6494900 B1	17-12-2002
DE 29519433	U	25-01-1996	DE 29519433 U1	25-01-1996
US 6074411	A	13-06-2000	NONE	
DE 2740969	A1	22-03-1979	NONE	
DE 10128629	A	19-12-2002	DE 10128629 A1	19-12-2002
			WO 02100484 A1	19-12-2002